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MONTANA LEGISLATIVE HISTORY

Chapter 224 - 2001

Bill H 219 S _____ Original bill & history ✓ C

H. Committee on Transportation		S. Committee on Judiciary	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
1/24	✓ C	3/19	✓ C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out 1/31	✓ C	3/23	✓

Did this bill originate in an interim committee? ___Yes X No

Committee _____ Report _____

Effective Date: 4/30/2001 - All Sections

HB 219 Introduced by McKenney, et al. *LC0983 Drafter: MacMaster*

Suspend License for Failure to Pay for Fuel at Retail; Presumption of Guilt

12/05	Fiscal Note Needed		
1/08	Introduced		
1/08	Referred to Transportation		
1/24	Hearing		
2/01	Committee Executive Action--Bill Passed	16	2
2/01	Committee Report--Bill Passed		
2/05	2nd Reading Not Passed	38	62
2/05	Segregated from Committee of the Whole Report	87	12
2/05	Rereferred to Judiciary		
2/12	Committee Executive Action--Bill Passed as Amended	16	2
2/12	Committee Report--Bill Passed as Amended		
2/14	2nd Reading Passed	87	13
2/15	3rd Reading Passed	87	13
	Transmitted to Senate		
2/21	Referred to Highways and Transportation		
3/01	Rereferred to Judiciary		
3/14	Hearing		
3/23	Committee Executive Action--Bill Concurred	6	0
3/23	Committee Report--Bill Concurred		
3/27	2nd Reading Concurred on Voice Vote	48	0
3/28	3rd Reading Concurred	48	0
	Returned to House		
3/28	Sent to Enrolling		
3/29	Returned from Enrolling		
3/31	Signed by Speaker		
4/06	Signed by President		
4/06	Transmitted to Governor		
4/12	Signed by Governor		
4/12	Chapter Number Assigned		
	Chapter Number 224		
	Effective Date: 10/01/2001 - All Sections		

HB 220 Introduced by Lawson *LC0463 Drafter: Higgins*

Revise Credit Union Laws

1/09	Introduced		
1/09	Referred to Business and Labor		
1/17	Hearing		
1/17	Committee Executive Action--Bill Passed as Amended	19	0
1/18	Committee Report--Bill Passed as Amended		
1/19	2nd Reading Passed	99	1
1/20	3rd Reading Passed	97	3
	Transmitted to Senate		
1/22	Referred to Business and Labor		
2/06	Hearing		
2/06	Committee Executive Action--Bill Concurred	9	0
2/06	Committee Report--Bill Concurred		

H BILL NO. 219

INTRODUCED BY Joe McKenney Roy Brown Sprague Hamilton
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE SUSPENSION OF THE LICENSE OF A DRIVER WHO STEALS FUEL FROM A RETAIL ESTABLISHMENT AT WHICH MOTOR VEHICLES ARE FUELED; PROVIDING THAT THE REGISTERED OWNER OF A VEHICLE USED IN THE COMMISSION OF THE THEFT IS PRESUMED TO HAVE BEEN THE DRIVER; AND AMENDING SECTIONS 45-6-301, 61-5-205, AND 61-8-734, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-6-301, MCA, is amended to read:

"45-6-301. Theft. (1) A person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over property of the owner and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) A person commits the offense of theft when the person purposely or knowingly obtains by threat or deception control over property of the owner and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(3) A person commits the offense of theft when the person purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives

the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(4) A person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over any part of any public assistance provided under Title 52 or 53 by a state or county agency, regardless of the original source of assistance, by means of:

(a) a knowingly false statement, representation, or impersonation; or

(b) a fraudulent scheme or device.

(5) A person commits the offense of theft when the person purposely or knowingly obtains or exerts or helps another obtain or exert unauthorized control over any part of any benefits provided under Title 39, chapter 71 or 72, by means of:

(a) a knowingly false statement, representation, or impersonation; or

(b) deception or other fraudulent action.

(6) A person commits the offense of theft when the person purposely or knowingly commits insurance fraud as provided in 33-1-1202.

(7) (a) A person convicted of the offense of theft of property not exceeding $1,000 in value shall be fined not to exceed $1,000 or be imprisoned in the county jail for any term not to exceed 6 months or both. A person convicted of a second offense shall be fined $1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or subsequent offense shall be fined $1,000 and be imprisoned in the county jail for a term of not less than 30 days or more than 6 months.

(b) A person convicted of the offense of theft of property exceeding $1,000 in value or theft of any commonly domesticated hoofed animal shall be fined not to exceed $50,000 or be imprisoned in the state prison for ~~any~~ a term not to exceed 10 years, or both.

(8) Amounts involved in thefts committed pursuant to a common scheme or the same transaction, whether from the same person or several persons, may be aggregated in determining the value of the property.

(9) If the theft consists of theft of motor vehicle fuel offered for retail sale at a business at which motor vehicles are fueled and a motor vehicle is used in the commission of the offense:

(a) it is presumed that the registered owner of the motor vehicle was the driver at the time of the

offense; and

(b) in addition to the penalties provided in subsection (7), the person's driver's license must be suspended for 30 days upon a first misdemeanor conviction, must be suspended for 6 months upon a second or subsequent misdemeanor conviction, and must be revoked as provided in 61-5-205(1) upon a felony conviction."

Section 2. Section 61-5-205, MCA, is amended to read:

"**61-5-205. Mandatory revocation or suspension of license upon proper authority.** (1) The department upon proper authority shall revoke the driver's license or the operating privilege of ~~any~~ a driver upon receiving a record of the driver's conviction of or forfeiture of bail not vacated ~~of~~ for any of the following offenses, when the conviction or forfeiture has become final:

~~(1)~~(a) negligent homicide resulting from the operation of a motor vehicle;

~~(2)~~(b) driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs, except as provided in 61-5-208, or operation of a motor vehicle by a person with a blood alcohol concentration of 0.10 or more;

~~(3)~~(c) any felony in the commission of which a motor vehicle is used;

~~(4)~~(d) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

~~(5)~~(e) perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;

~~(6)~~(f) conviction or forfeiture of bail not vacated upon three charges of reckless driving committed within a period of 12 months; or

~~(7)~~(g) negligent vehicular assault as defined in 45-5-205.

(2) The department upon proper authority shall suspend the driver's license or the operating privilege of a driver upon receiving a record of the driver's conviction of or forfeiture of bail not vacated for a misdemeanor theft offense punishable under 45-6-301(9) when the conviction or forfeiture has become final."

Section 3. Section 61-8-734, MCA, is amended to read:

"**61-8-734. Driving under influence of alcohol or drugs -- driving with excessive alcohol**

concentration -- conviction defined -- place of imprisonment -- home arrest -- exceptions -- deferred sentence not allowed. (1) (a) For the purpose of determining the number of convictions under 61-8-714 or 61-8-722 for a violation of 61-8-401 or 61-8-406, "conviction" means a final conviction, as defined in 45-2-101, in this state; conviction for a violation of a similar statute or regulation in another state, a federally recognized Indian reservation; or a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state, another state, or a federally recognized Indian reservation, which forfeiture has not been vacated.

(b) An offender is considered to have been previously convicted for the purposes of sentencing if less than 5 years have elapsed between the commission of the present offense and a previous conviction, unless the offense is the offender's fourth or subsequent offense, in which case all previous convictions must be used for sentencing purposes.

(c) A previous conviction under 61-8-714 or 61-8-722 for violation of 61-8-401 or 61-8-406 may be counted for purposes of determining the number of a subsequent conviction for violation of either 61-8-401 or 61-8-406.

(2) Except as provided in 61-8-731, the court may order that a term of imprisonment imposed under 61-8-714 or 61-8-722 be served in another facility made available by the county and approved by the sentencing court. The defendant, if financially able, shall bear the expense of the imprisonment in the facility. The court may impose restrictions on the defendant's ability to leave the premises of the facility and require that the defendant follow the rules of that facility. The facility may be, but is not required to be, a community-based prerelease center as provided for in 53-1-203. The prerelease center may accept or reject a defendant referred by the sentencing court.

(3) Subject to the limitations set forth in 61-8-714 and 61-8-722 concerning minimum periods of imprisonment, the court may order that a term of imprisonment imposed under either section be served by imprisonment under home arrest, as provided in Title 46, chapter 18, part 10.

(4) A court may not defer imposition of sentence under 61-8-714, 61-8-722, or 61-8-731.

(5) The provisions of 61-2-107, 61-2-302, 61-5-205~~(2)~~(1)(b), and 61-5-208(2), relating to suspension and revocation of driver's licenses and later reinstatement of driving privileges, apply to any conviction under 61-8-714 or 61-8-722 for a violation of 61-8-401 or 61-8-406."

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN ROGER SOMERVILLE**, on January 24, 2001 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Roger Somerville, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joe Balyeat (R)
Rep. Debby Barrett (R)
Rep. Ronald Devlin (R)
Rep. Dave Gallik (D)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Jim Keane (D)
Rep. Gary Matthews (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Carol C. Juneau, Vice Chairman (D)

Members Absent: None.

Staff Present: Donna Huffman, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 212, HB 219, HB 207, 1/24/01
Executive Action: none.

Hearing on HB 219

Sponsor: **Rep. Joe McKenney, HD 49, Great Falls.**

Proponents: **Ronna Christman, Montana Petroleum Marketers Association; Steve Wade, MPMA; Richard Clark, KwikWay, Inc.; Tim Sweeney, Vice President of Shamrock Stores, Missoula.**

Opponents: none.

Informational Witnesses: Brenda Nordlund, Rep. Motor Vehicle Division.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 3.2}

Rep. McKenney said HB 219 is an act providing for the suspension of a driver's license for a person who steals fuel from a retail establishment at which motor vehicles are fueled. This bill offers petroleum retailers a legal avenue to prosecute an individual who drives off without paying for fuel. This bill acts as a deterrent, warning would be offenders that if those individuals drive off, without paying for fuel, they may lose their driver's license.

Proponents' Testimony:

Ronna Christman said the membership base of MPMA represents approximately 80% of the 1500 retail fueling locations in the state. People who steal fuel are not paying their share of the fuel tax. In the State of Montana, that is over 27 cents per gallon of gasoline, and on a Federal level that is 18.4 cents, totaling over 46 cents a gallon of tax, which ultimately they have to collect from the consumer. She said they urge positive consideration for HB 219. **EXHIBIT(1)**

{Tape : 1; Side : A; Approx. Time Counter : 10.8}

Steve Wade said this will help in tracking down people who steal retail gasoline. Since it is related to the operation of the vehicle, it should be tied with their driver's license. He supports HB 219.

Richard Clark said he has copies of drive-off reports. In the last 2 years this has cost his company almost $18,000. This is a major expense for the company. **EXHIBIT(2)**

{Tape : 1; Side : A; Approx. Time Counter : 15.8}

Tim Sweeney said in their stores, gas drive-offs were over $16,000 since 1998. This reflects directly in the higher price of fuel people are paying in stores.

Opponents' Testimony: none.

Questions from Committee Members and Responses:

Rep. Devlin said to **Rep. McKenney** in the bill, why is it presumed the registered owner is the driver. **Rep. McKenney** said a lot of times it is harder to get a description of the person in the vehicle, and easier to get a license plate number.

Rep. Smith asked **Ms. Nordlund** if a court conviction or a letter from the police is necessary to revoke a driver's license. **Ms. Nordlund** said this would be imposed only on a conviction and that is normally how driver's licenses are suspended.

{Tape : 1; Side : B; Approx. Time Counter : 0.3}

Rep. Balyeat said to Mr. Clark why not have a system where you could put your driver's license in before getting fuel. **Mr. Clark** said that might be something that could be possible.

Closing by Sponsor:

Rep. McKenney said this bill does two things. First, a person convicted of stealing gasoline would have their driver's license suspended. The second thing is it helps law enforcement to catch these violators.

Hearing on HB 207

{Tape : 1; Side : B; Approx. Time Counter : 8.3}

Sponsor: **Rep. Christopher Harris, HD 30, Bozeman.**

Proponents: **Al Smith, Exec. Director of Montana Trial Lawyers Assoc.; Jan VanRiper, Deputy of Insurance Directors.**

Opponents: **Roger McGlenn, Independent Insurance Agents of Montana; Ron Ashbrenner, State Farm Insurance; Robert Throssell, Montana County Treasure's Association.**

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN ROGER SOMERVILLE**, on January 31, 2001 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Roger Somerville, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joe Balyeat (R)
Rep. Debby Barrett (R)
Rep. Ronald Devlin (R)
Rep. Dave Gallik (D)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Jim Keane (D)
Rep. Gary Matthews (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Carol C. Juneau, Vice Chairman (D)

Members Absent: None.

Staff Present: Donna Huffman, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 391, 1/31/01
Executive Action: HB 67, HB 72, HB 86, HB 131, HB 207, HB 212, HB 219, HB 373, HB 375, HB 391, HB 363.

EXECUTIVE ACTION ON HB 207

Motion: **REP. WAITSCHIES** moved that **HB 207 DO PASS.**

Discussion:

Chairman Somerville said a House Bill that he will carry will cover all the concerns of Rep. Harris, but will not have any impact on local county treasures. The bill being prepared is called a sure right bill, Attorney Joe Mazurek, acting as a lobbyist, is working on the bill and it will come forward as a bill that will have a private corporation do the work that the county treasurers were required to do, and track uninsured motorist for the State of Montana.

Rep. Gallik said he does not feel comfortable about tabling this bill, because they haven't seen the new bill coming up yet.

Motion/Vote: **REP. HEDGES** moved that **HB 207 BE TABLED. Motion carried 17-1 with Gallik voting no.**

EXECUTIVE ACTION ON HB 212

{Tape : 2; Side : B; Approx. Time Counter : 0.3}

Motion: **REP. WAITSCHIES** moved that **HB 212 DO PASS.**

Discussion:

Chairman Somerville said the sub-committee on HB 212 met in reference to amendments that were proposed by Montana Highway Patrol. He said the amendments do not fit under the title of the bill. The sub-committee is going to work on a committee bill. He discussed this with the sponsor, Rep. Pattison, and the speaker. Rep. Pattison will carry that bill out of this committee and onto the House floor.

Motion/Vote: **REP. GOLIE** moved that **HB 212 BE TABLED. Motion carried 18-0.**

EXECUTIVE ACTION ON HB 219

Motion: **REP. BOOKOUT-REINICKE** moved that **HB 219 DO PASS.**

Discussion:

Rep. Gallik said he knows there are problems with gas drive-offs, but he doesn't think the presumption that the registered owner

was the driver at the time of theft, would pass legally. There already is a theft statute that this would fall under.

Rep. Golie said he supports the bill.

{Tape : 2; Side : B; Approx. Time Counter : 10.9}

Rep. Matthews said there are self service gas stations instead of full service, and this industry is losing 3 million dollars. He will support this bill.

Rep. Devlin said the owner of these businesses can install equipment to make an attempt to get a license plate number and description of the vehicle. He will support this bill.

Rep. Smith said he supports this bill.

Motion/Vote: **REP. BOOKOUT-REINICKE** moved that **HB 219 DO PASS. Motion carried 16-2 with Gallik and Somerville voting no.**

EXECUTIVE ACTION ON HB 363

Motion: **REP. BOOKOUT-REINICKE** moved that **HB 363 DO PASS.**

Discussion:
Rep. Golie said the thing that stood out in this bill was commercial drivers license with a DUI.

Rep. Bookout-Reinicke said she is concerned about the same issue and if we could amend that section out.

Rep. Devlin said he does not think this will be a problem with the counties.

Rep. Hedges asked if not only they updated the Federal Requirements but also added language to the bill. **Leanne Kurtz** said yes.

Chairman Somerville asked **Rep. Golie** if he would research on this bill and find out if this section was Federal Law. He said we will do executive action on HB 363 on Friday, 02/02/01.

EXECUTIVE ACTION ON HB 375

Motion: **REP. SMITH** moved that **HB375 DO PASS.**

Motion/Vote: **REP. SMITH** moved that **HB 375 DO PASS. Motion carried 18-0.**

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on March 14, 2001 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:
Sen. Lorents Grosfield, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Walter McNutt (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Cecile Tropila, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 219, HB 146, HJ 17, HB 151, 3/9/2001

HEARING ON HB 219

Sponsor: **REP. JOE MCKENNEY, HD 49, GREAT FALLS**

Proponents: **Ronna Christman, MT Petroleum Marketers Assoc.**
Tim Sweeney, Shamrock Stores, Missoula
Richard Clark, Kwik-Way Stores Inc., Billings

Opponents: **None**

Opening Statement by Sponsor:

REP. JOE MCKENNEY, HD 49, GREAT FALLS, said this bill enacts the suspension of a driver's license for an individual who steals motor fuel, commonly called drive-offs. He stated this bill acts as a deterrent warning drivers if they drive off without paying for their fuel they may lose their driving privileges. He explained theft and how it becomes an overhead expense to the businesses involved.

Proponents' Testimony:

Ronna Christman, MT. Petroleum Marketers Assoc., gave a background of the Petroleum Marketers Association and explained the thefts of gasoline from motorists. She handed out information on drive-offs **EXHIBIT(1)**. She mentioned in the past couple of years this issue has escalated into a significant problem due to the rising cost of motor fuel. A survey was done by the association this past year and they received good information towards these incidences. She pointed out that law enforcement takes this issue lightly and this bill offers language dealing with penalties for the suspension of drivers' licenses. She said some states have this law in place and are looking into enacting this law. She referred to the handout and explained the state of Michigan enforcing this type of law.

Tim Sweeney, Shamrock Stores, Missoula, stated the gas drive-offs are increasing by percentages over the past five years. He explained how much money per gallon these stores receive and how much they lose from gasoline drive-offs.

Richard Clark, Kwik-Way Stores, Inc., Billings, explained the loss to the stores from drive-offs. He said they do recognize people from the community who may forget to pay and they return. He believed this bill would help as a deterrent with threatening the loss of the drivers licenses.

Opponents' Testimony: **None**

Questions from Committee Members and Responses:

SEN. DUANE GRIMES asked what "upon proper authority" within the bill meant. **REP. MCKENNEY** said proper authority would be the judicial branch upon conviction of the crime.

SEN. GRIMES asked how long the process issue takes effect. **REP. MCKENNEY** felt it to be a long process due to court systems.

CHAIRMAN LORENTS GROSFIELD asked about the impact of using credit cards. **Tim Sweeney** said this does affect the system and the employees inside the booths do know who is using the credit card

at the pump because the transaction comes up on the screens. He felt if using credit cards, this would be a small percentage of people driving off.

CHAIRMAN GROSFIELD asked if there was any problem with using a credit card and not signing for it. **Tim Sweeney** said the pumps are set to a certain limit for a transaction to be used by credit card. The possibility of a stolen credit card can only be used to a certain limit and he mentioned incidences where copies of the computer printouts showed the transaction actually happened.

CHAIRMAN GROSFIELD asked about people who pump gas and then add extra when it shuts off and enter the store and have two different charges. **Tim Sweeney** explained the computer system takes one transaction as completed when the pump has to be back in the holster before another transaction can happen.

SEN. GRIMES said people sometimes forget to pay because they have too many things going on i.e. kids, jobs and he asked what happens with unintentional drive-offs. **Tim Sweeney** said there are good regular customers who come back because they simply forgot.

Closing by Sponsor:

REP. JOE MCKENNEY, HD 49, GREAT FALLS, responded to **SEN. GRIMES** last question by stating forgetfulness of people, unintentional would not be a criminal activity. He said this is a simple bill tightening up the penalties for this crime and he urged a do pass motion.

HEARING ON HB 146

Sponsor: **REP. JIM SHOCKLEY, HD 61, VICTOR**

Proponents: **Mike Ferriter, Administrator Community Corrections, Dept. of Corrections**
Matt Robertson, Special Assistant Attorney General, Dept. of Corrections
Richard Meager, Chief Probation Officer
Carol Stratemeyer, Chief Juvenile Probation Officer, Hamilton
John Larson, District Judge, Missoula

Opponents: **Sandy Oitzinger, MT. Juvenile Probation Officers Assoc.**

MINUTES

MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on March 23, 2001 at 8:15 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Walter McNutt (R)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)

Members Excused: None.

Members Absent: None.

Staff Present: Anne Felstet, Committee Secretary
Valencia Lane, Legislative Branch
Jodi Pauley, Transcriptionist

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: None
Executive Action: HB 195, HB 208, HB 219, HB 254, HB 208, HB 261, HB 359, HB 521, HB 563, HJ 17, HB 496, HB 290, HB 570, HB 182

EXECUTIVE ACTION ON HB 195

Motion: SEN. RIC HOLDEN moved HB 195 BE CONCURRED IN.

Discussion:

SEN. DUANE GRIMES said this added a penalty to those youth who could be tried as an adult and would add criminal possession of dangerous drugs with the intent to distribute.

Vote: Motion carried 6-0 with SEN. DOHERTY, SEN. HALLIGAN and CHAIRMAN GROSFIELD being excused.

EXECUTIVE ACTION ON HB 208

Discussion:

Valencia Lane, Legislative Staff, said there were amendments for HB 208 and they were prepared at the suggestion of the district court judges. She said the sponsor did not like the amendments but many district judges wanted the amendments.

SEN. GRIMES suggested to hold off action on this bill.

EXECUTIVE ACTION ON HB 219

Motion: SEN. MCNUTT moved HB 219 BE CONCURRED IN.

Discussion:

SEN. GRIMES said he had some concern with inadvertent drive offs, but this issue has been resolved.

SEN. WALT MCNUTT said if he drove into a super bumper and inadvertently drove off, he would not be prosecuted under this. He said what they were looking for blatant violators of this issue.

SEN. GRIMES read line 26, page three and asked when this would become effective. **Valencia Lane** said if they look at MCA 46-21-102 there were guidelines offered. She said it meant when the time and chance had passed for appeals.

Vote: Motion carried 6-0

EXECUTIVE ACTION ON HB 254

Discussion: